

### REMARKS

Entry of this amendment, and reconsideration and allowance of the application as amended are respectfully requested in view of the remarks below. Claims 1-6, 18-20, 22, 23, and 26-28 are pending in this case.

#### Withdrawal of the Prior Rejections of the Claims

Initially, Applicants wish to thank the Examiner Pope for his withdrawal of the finality of the rejections of the claims in light of applicants' Appeal Brief and Reply Brief.

#### Telephone Interview

Applicants also gratefully acknowledge the time afforded by Examiner Pope during a telephone interview with applicants' attorney on February 14, 2006. The proposed amendments presented during the interview are incorporated in the above and the substance of the remarks and arguments presented during the interview are incorporated below. In particular, in an effort to expedite this application, one independent claim (claim 1) remains in this application. Applicants reserve the right to prosecute the subject matter of the other independent claims in one or more divisional patent applications.

#### Rejections of the Claims

In the Office Action, claims 1-3, 5-6, and 22-23 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Struthers (U.S. Patent No. 6,378,554), claims 4, 7, and 24 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Struthers in view of Eckley (U.S. Patent No. 4,740,963), claims 8-9, and 14-17 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Struthers in view of Eckley and Hewlings (U.S. Patent No. 3,775,026), claims 10, 12, 13, and 25 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over

Potter et al. (U.S. Patent No. 5,503,533) in view of Struthers and Hewlings, claim 11 was rejected under 25 U.S.C. 103(a) as being allegedly unpatentable over Potter et al. in view of Struthers, Hewlings, and Eckley, and claims 18-21 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Potter et al. in view of Struthers, Hewlings, and Croushore et al. (U.S. Patent No. 6,278,357). Applicants respectfully, but most strenuously, traverse these rejections for the following reasons.

One aspect of applicants' invention is directed to systems and methods for remotely monitoring for repair a plurality of grinder pump stations prior to failure of the grinder pump stations. This technique provides faster response time for repair and reduces maintenance costs by allowing repair prior to the occurrence of increased or major problems or a breakdown or a failure of a grinder pump station or components thereof.

In this aspect of applicants' invention, maintenance warnings predicting failure of at least one of a plurality of grinder pumps prior to failure are transmitted from the grinder pump stations to a central computing unit, or data regarding the operation of the grinder pump stations is transmitted to the central computing unit and used in determining maintenance warnings predicting failure of at least one of a plurality of grinder pumps prior to failure. For example, by comparing changes in the operating parameters over time and/or comparing the operating parameter against predetermined criteria, an alarm condition requiring repair and/or warning of potential service requirements can be addressed in advance of failure.

By this amendment, claim 1 has been amended to more particularly recite applicants' invention and define over the prior art. In particular, claim 1 has been amended to recite a method for remotely monitoring for repair a plurality of grinder pump stations at a plurality of different first locations which includes obtaining and transferring data in which the data comprises maintenance warnings "predicting failure" of at least one of the plurality of grinder pump stations "prior to failure", or data regarding the operation of the plurality of grinder pump stations and determining, at the

central computing unit maintenance warnings "predicting failure" of at least one of the plurality of grinder pump stations "prior to failure." Support for the amendment to claim 1 is found in the specification at the beginning of paragraph [0035] and in the last sentence of paragraph [0036].

With reference to Struthers, Struthers discloses a controlled sewage sump network in which regulation of the sewage flow based on the demand of the system permits the efficient operation of a sewage treatment facility that receives sewage from a plurality of sewage sumps.

It is noted in the Office Action that Struthers describes operation of the system when an "emergency full" condition is detected at a sewage sump. However, Struthers fails to disclose, teach or suggest generating maintenance warnings predicting failure of at least one of the plurality of grinder pump stations prior to failure. In particular, at column 5, line 66 to column 6, Struthers states:

If the "emergency full" condition is reached, either the grinder pump is immediately activated by its local controller regardless of the network status or, if the pump will not operate or cannot clear the emergency condition, an alarm will be reported to the occupants of the structure being served by the individual sewage sump. In the latter case, it would be likely that either the sump's grinder pump had failed or the sump controller failed to operate properly.

Upon close review of Struthers, one option in the emergency full condition is for the grinder pump to be activated, i.e., there is no failure of the grinder pump. The other option, if the pump will not operate and an alarm is generated, is that the grinder pump or the controller has failed to operate properly. Failure of the grinder pump or controller is the situation applicants' invention particularly attempts to avoid by generating maintenance warnings predicting failure of at least one of the plurality of grinder pump stations prior to failure.

As noted above, Struthers addresses the control of the flow of a plurality of interconnected sewage sumps. Struthers neither appreciates or solves the problem which applicants' invention addresses, namely, predicting failure of at least one of the plurality of grinder pump stations prior to failure and generating maintenance warnings therefor as now recited in amended claim 1.

It is respectfully submitted that the other applied references do not disclose, teach or suggest any of the above-noted aspects of amended independent claim 1 that are lacking in Struthers.

Accordingly, it is respectfully submitted that Struthers alone or in combination with the other applied references fails to disclose, teach or suggest applicants' invention as now recited in amended independent claim 1. Accordingly, it is respectfully submitted that amended independent claim 1 is patentable over Struthers alone or in combination with the other applied references.

Claims 7-17 have been canceled without prejudice, and claim 18 has been amended to depend from claim 1. New dependent claims 26-28 have been added which further define applicants' invention. The subject matter of new claims 26-28 is found in claim 1, and the addition of new matter has been carefully avoided. Dependent claims 2-6, 18-20, 22, 23, and 26-28 are believed to be allowable for the same reasons noted above in connection with amended independent claim 1 from which they directly or ultimately depend, as well as for their own additional features.

Withdrawal of the rejections of claims 1-6, 18-20, 22, 23, and 26-28 is respectfully requested.

#### Official Fees

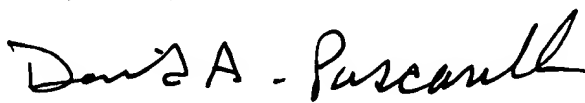
In this response, 14 claims were canceled, and 3 new dependent claims have been added. Accordingly, no official fee for the new claims is required.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, reading "David A. Pascarella". The signature is written in a cursive style with a horizontal line underneath the name.

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